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Attorneys for Plaintiffs  
HANK AZARIA and HOW TO PICTURES,  
INC.

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

HANK AZARIA, an individual, and  
HOW TO PICTURES, INC., a  
California corporation,

Plaintiffs,

v.

CRAIG BIERKO, an individual,

Defendant.

Case No. 12-cv-09732-GAF-(RZx)

Hon. Gary A. Feess

**JUDGMENT**

Date: February 24, 2014  
Time: 9:30 a.m.  
Room: 740

1 Plaintiffs Hank Azaria (“Azaria”) and How To Pictures, Inc.’s (“How To”)  
2 (collectively “Plaintiffs”) motion for summary judgment, or, in the alternative,  
3 partial summary judgment against Defendant Craig Bierko (“Bierko” or  
4 “Defendant”) on both claims for declaratory relief came regularly for consideration  
5 before the Court pursuant to Rule 56 of the Federal Rules of Civil Procedure  
6 (“Motion for Summary Judgment”).

7 After reviewing all the moving, opposition, and reply papers, and the  
8 evidence submitted by the parties and objections pertaining thereto, the Court, on  
9 February 21, 2014, issued an order GRANTING Plaintiffs’ Motion for Summary  
10 Judgment. Pursuant to said order, the Court hereby finds:

11 There are no genuine issues of material fact as to both declaratory relief  
12 claims set forth in Plaintiffs’ Complaint, and therefore Plaintiffs are entitled to  
13 summary judgment as a matter of law.  
14

15 IT IS HEREBY ORDERED THAT:

- 16 1. Plaintiffs’ Motion for Summary Judgment is GRANTED on the  
17 grounds stated in the Court’s February 21, 2014, order, a copy of  
18 which is attached hereto.
- 19
- 20 2. The Court finds on the first declaratory relief claim that:
  - 21 a. the Jim Brockmire character is copyrightable subject matter,
  - 22 b. Bierko’s Baseball Announcer Character is not copyrightable subject  
23 matter,
  - 24 c. How To is the copyright owner of the Jim Brockmire character, and
  - 25 d. Bierko has no right, title, or interest in the Jim Brockmire character.

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3. The Court finds on the second declaratory relief claim that no contract (implied or express) was ever formed between Azaria and Bierko pertaining to anything regarding Bierko's baseball announcer voice.